



# Avon Weir Act 1992

## 1992 CHAPTER v

### PART VII

#### MISCELLANEOUS AND GENERAL

#### 61 Transfer of functions

- (1) Notwithstanding any other provision of this Act or any provision of the Local Government, Planning and Land Act 1980, the Secretary of State, on the application of the Corporation, may by order made by statutory instrument at any time transfer to any person all or any part of the undertaking authorised by this Act or all or any of the functions conferred on the Corporation by this Act and thereafter, in relation to the undertaking or part thereof, or to the functions so transferred, that person shall have and may exercise all or any of the powers conferred upon the Corporation by this Act or which the Corporation has or might exercise under this Act and shall be subject to all the liabilities and obligations to which the Corporation is subject under this Act and shall perform all the duties of the Corporation under this Act.
- (2) The Corporation shall not apply for an order under this section—
  - (a) transferring any of its functions under section 53 (For protection of port authority) of this Act to the City Council;
  - (b) transferring any of its functions under this Act to the City Council or the rivers authority without the consent of the City Council or, as the case may be, the rivers authority as transferee;
  - (c) transferring any of its functions under Parts II, III or IV of this Act to any person other than the City Council or the rivers authority without the consent of the City Council and the rivers authority; or
  - (d) transferring any of its functions under Part V or section 57 (Application of Act to Feeder Canal and Floating Harbour) of this Act to any person other than the City Council without the consent of the City Council.
- (3) (a) Consent under subsection (2) (c) or (d) above shall not be unreasonably withheld, and any difference as to the withholding of such consent (other than

---

*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

---

- a difference as to meaning or construction) shall be referred to and settled by arbitration.
- (b) The withholding of consent to the transfer of any function to any person under subsection (2) (c) or (d) above shall be deemed to be unreasonable if consent to the transfer of that function under subsection (2) (b) above has also been withheld, unless consent has been given to the transfer of that function to some other person who has agreed to accept such transfer and who is acceptable to the Corporation.
- (4) Before in any case making application to the Secretary of State under subsection (1) above the Corporation shall give not less than three months' notice of its intention in that behalf to the City Council and the rivers authority and shall forward with the application any written representations submitted to the Corporation by that council or authority within the period of such notice.